



STATE OF NEW YORK

**UNEMPLOYMENT INSURANCE APPEAL BOARD**

PO Box 15126

Albany NY 12212-5126

**DECISION OF THE BOARD**

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Mailed and Filed: JUNE 28, 2022

IN THE MATTER OF:

Appeal Board No. 621580

PRESENT: JUNE F. O'NEILL, MEMBER

In Appeal Board No. 621580, the Commissioner of Labor appeals from the decision of the Administrative Law Judge filed February 8, 2022, which sustained the initial determination disqualifying the claimant from receiving benefits, effective December 8, 2020, on the basis that the claimant voluntarily separated from employment without good cause.

In Appeal Board No. 621581, the Commissioner of Labor appeals from the decisions of the Administrative Law Judge filed February 8, 2022, which sustained the initial determination holding the claimant ineligible to receive Pandemic Unemployment Assistance (PUA) benefits.

At the consecutive telephone conference hearings before the Administrative Law Judge, all parties were accorded a full opportunity to be heard and testimony was taken. There was an appearance by the claimant.

The Board considered the statement submitted by the Commissioner of Labor.

Our review of the record reveals that the cases, Appeal Board Case Nos. 621580 and 621581, should be combined and remanded to hold a combined hearing. The claimant shall be given an opportunity to provide medical documentation to support that he was advised by a medical professional to resign because of his medical condition. Further the claimant shall be given an opportunity to testify about the steps he took to preserve his employment before he quit, including whether he requested a leave of absence, or a change of job duties. The issue of whether he is entitled to PUA benefits shall be based on whether he had good cause to quit.

Now, based on all of the foregoing, it is

ORDERED, that the decision of the Administrative Law Judge be, and the same hereby is, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render a new decision, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

JUNE F. O'NEILL, MEMBER